

**Rule 10.6, Ariz. R. Crim. P. — Duty of judge upon filing of motion under Rules 10.1 or 10.2 — Revised 1/2010**

Rule 10.6 provides:

When a motion or request for a change of judge is timely filed under this rule, the judge shall proceed no further in the action, except to make such temporary orders as may be necessary in the interest of justice before the action can be transferred to the presiding judge or the presiding judge's designee. However, if the named judge is the presiding judge, that judge shall continue to perform the functions of the presiding judge.

In cases where the presiding judge was previously removed from the case, he does not have the authority to rule on a subsequent motion under Rule 10.1 or 10.2 which challenges a different judge. *Norstrom v. Leonardo*, 214 Ariz. 545, 155 P.3d 1069 (App. 2007). The last sentence of Rule 10.6 only applies when the presiding judge was the named judge in the request for change of judge. *Id.* The language of Rule 10.6 neither authorizes a presiding judge who was previously removed from a case to rule on the merits of a subsequent motion nor negates the prohibition against him proceeding further in the action. *Id.* In such situations, the presiding judge should refer the motion to another judge for determination. *Id.*